

IAP7 Rec'd PCT/PTO 30 JAN 2006

Docket No. 7444/73871/GJG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Andrzej Lipkowski et al.
Serial No. : 10/524,343 (a §371 of PCT International Application NO. PCT/PL2003/000077)
Filed : August 7, 2003
For : NEW COMPOUNDS AND THEIR ANALGESIC APPLICATIONS

1185 Avenue of the Americas
New York, New York 10036
January 27, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO JANUARY 23, 2006
NOTIFICATION OF DEFECTIVE RESPONSE IN THE
UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

This is a Response to the January 23, 2006 Notification of Defective Response in the United States Designated/Elected Office (DO/EO/US) issued by the United States Patent and Trademark Office in connection with the above-identified application. The January 23, 2006 Notice, a copy of which is attached as **Exhibit A**, provides one (1) month for filing a response. Therefore, a response to the January 23, 2006 Notice is due February 23, 2006. Accordingly, this Communication is being timely filed.

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The January 23, 2006 Notice indicates that the oath or declaration does not identify the citizenship of each inventor. In response, applicants submit hereto as **Exhibit B** a signed Declaration for Patent Application pursuant to 37 C.F.R. §1.497(a). In compliance with 37 C.F.R. §1.63, the Declaration refers to the application's above-identified serial number and filing date.

Furthermore, the January 23, 2006 Notice asserted that applicants have not complied with 37 C.F.R. §§ 1.821-1.825. In reply, applicants point out that according to 37 C.F.R. §1.821(a)(2), sequences containing D-amino acids need not be included in a sequence listing. All of the molecules disclosed in the subject application contain at least one D-amino acid. Accordingly a sequence listing is not required.

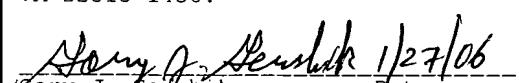
No fee is deemed necessary in connection with the filing of this Response. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

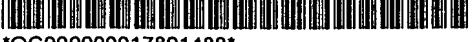
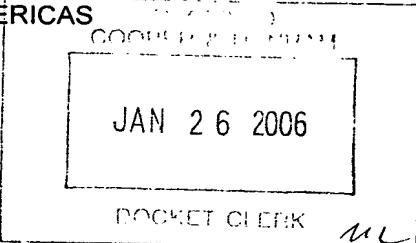
 1/27/06
Gary J. Gershik Date
Reg. No. 39,992

GJG



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/524,343	Andrzej Lipkowski	7444/73871/GJG
INTERNATIONAL APPLICATION NO.		PCT/PL03/00077
I.A. FILING DATE		PRIORITY DATE
08/07/2003		08/13/2002
CONFIRMATION NO. 4648 371 FORMALITIES LETTER  *OC000000017891488*		
23432 COOPER & DUNHAM, LLP 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036 		
Date Mailed: 01/23/2006		

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 02/11/2005
- Copy of the International Search Report filed on 02/11/2005
- Preliminary Amendments filed on 09/19/2005
- Oath or Declaration filed on 09/19/2005
- U.S. Basic National Fees filed on 02/11/2005
- Priority Documents filed on 02/11/2005

*Msg. Parts Due:
2/28/06
MC*

Applicant's response filed 09/19/2005 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 07/29/2005 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - does not identify the citizenship of each inventor.
- This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where

applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/524,343	PCT/PL03/00077	7444/73871/GJG